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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,532	01/28/2002	Michael Wayne Brown	AUS920010518US1	3835

7590 08/25/2004

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EXAMINER

ZHOU, TING

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/058,532	BROWN ET AL.	
	Examiner	Art Unit	
	Ting Zhou	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/28/02, 4/10/02</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 1-4, 6-10, 12-16 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Bonura et al. U.S. Patent 6,670,970.

Referring to claims 1, 7 and 13, Bonura et al. teach a method, system and program comprising a graphical user interface (Abstract and Figure 7A), detecting current use of a plurality of displayable objects (detecting the updating of information in a floating window), and automatically selectively adjusting a transparency associated with at least one of the plurality of displayable objects to reflect the current use of the at least one of the plurality of displayable

objects, such that recent use of the at least one of the plurality of displayable objects is graphically represented (upon detecting updated information in a floating window, the window's transparency can be adjusted to reflect this new information, i.e. the window changes from being transparent to being opaque) (column 3, lines 40-65).

Referring to claims 2, 8 and 14, Bonura et al. teach detecting idleness of the plurality of displayable objects (when the floating window is idle for a period of time, or it has not been updated for a certain time, the window becomes translucent) (column 5, lines 47-57).

Referring to claims 3, 9 and 15, Bonura et al. teach detecting active use of the plurality of displayable objects (detecting information in the floating window has been changed, or updated) (column 3, lines 52-55 and column 6, lines 2-5).

Referring to claims 4, 10 and 16, Bonura et al. teach adjusting the transparency associated with the at least one of the plurality of displayable objects according to user recently used preferences (the user can set the transparency reduction of the floating windows such that for example, the window's opacity is gradually reduced in steps of 25%) (column 3, lines 56-65).

Referring to claim 6, 12 and 18, Bonura et al. teach adjusting the transparency associated with the at least one of the plurality of displayable objects, wherein the transparency adjusts according to a comparison of use of the at least one of the plurality of displayable objects (the transparency of a floating window is adjusted according to whether the window is being used, i.e. whether there is a change in the window's information) (column 3, lines 43-55).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 5, 11 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonura et al. U.S. Patent 6,670,970, as applied to claims 1, 7 and 13 above, and Mugura et al. U.S. Patent 6,111,614.

Referring to claims 5, 11 and 17, Bonura et al. teach all of the limitations as applied to claims 1, 7 and 13 above. In addition, Bonura et al. further teach a value of the transparency associated with the at least one of the plurality of displayable objects reaching a particular threshold (Bonura et al.: column 10, lines 63-67 through column 11, lines 1-4, and column 12, lines 13-17). However, Bonura et al. fail to explicitly teach minimizing the at least one of the plurality of displayable objects. Mugura et al. teach an interface for displaying objects (such as menus, icons, etc.) with varying levels of transparency (Mugura et al.: column 2, lines 21-35) similar to that of Bonura et al. In addition, Mugura et al. further teach minimizing the at least one of the plurality of displayable objects in response to a transparency associated with the at least one of the plurality of displayable objects reaching a particular threshold (minimizing displayed icons with a low level of transparency) (Mugura et al.: column 17, lines 38-43 through column 18, lines 1-3). It would have been obvious to one of ordinary skill in the art, having the teachings of Bonura et al. and Mugura et al. before him at the time the invention was made, to modify the selective adjustment of a window's transparency of Bonura et al. to include the

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minimization of objects with a certain level of transparency, as taught by Mugura et al. One would have been motivated to make such a combination in order to reduce resource usage from applications that are not active; by minimizing the windows that are not being used, there are more display screen space available for actively used applications.

3. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach similar methods of adjusting the transparencies of windows.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (703) 305-0328. The examiner can normally be reached on Monday - Friday 8:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

5 August 2004



CAO (KEVIN) NGUYEN
PRIMARY EXAMINER